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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Sharon Greener

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LEE & HAYES, PLLC

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SUITE 1400

SPOKANE, WA 99201

EXAMINER

AKINTOLA, OLABODE

ART UNIT

PAPER NUMBER

3691

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/714,315	<b>Applicant(s)</b> GREENER ET AL.	
	<b>Examiner</b> OLABODE AKINTOLA	<b>Art Unit</b> 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 63-77 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 63-77 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-4 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "the calculated aggregated price" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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Claims 64-69 and 71-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pool et al (US 6460020) ("Pool") in view of Szoc et al (USPAP 20020023053) ("Szoc").

Re claims 64, 72 and 77: Pool teaches a computer-implemented method for determining values of multiple interrelated parameters of an e-commerce transaction across multiple currencies to manage a sales risk, comprising: linking via a computer the multiple interrelated parameters of the e-commerce transaction in one or more feedback loops such that calculating each parameter affects calculating at least some of the other parameters; wherein calculating via a computer each parameter provides an output value used as one of multiple input values for calculating at least some of the other parameters, and calculating each parameter uses as input the output values from calculating at least some of the other parameters; calculating via a computer the multiple interrelated parameters using output values from one calculation as input values for the next calculation, (Abstract, col. 6, lines 19-36, col. 7, lines 28-42, Appendix II (cols. 15-16), *"parameters interpreted as price in different currencies, insurance, shipping, taxes etc"* ) until values within respective predetermined tolerance levels are achieved for each parameter; determining the values of the multiple interrelated parameters based on the respective predetermined tolerance levels; wherein achieving the respective predetermined tolerance levels for each parameter comprises monetary conversions, set parameters, a market spot price relating to currency, or an adjustment to a set currency price (col. 6, lines 4-30; *each parameter e.g. price in different currencies, insurance, shipping or taxes, is affected by the conversion rate, such that when this parameter is unstable (such as due to wide swings), transaction in the currencies can be suspended*); monitoring the spot price relating to currency; adjusting via the computer the

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market spot price in real-time via a live pricing feed based on a negotiated tolerance level for a particular commerce participant; and viewing on the display the values of the multiple interrelated parameters in the currencies of choice; (col. 6, lines 4-19 and 32-36; *compensating for disparity between quoted rate and real rate (real rate obtained from real time currency conversion is equivalent to rates obtained via live pricing feed as evidenced by Szoc below) by adding small percentage to the conversion rate; the price can be adjusted (higher price) to compensate for wide swings in currency conversion values and presented to the customer, the wide swings suggests that there is a tolerance level in order for the price to be adjusted, any fluctuation or swing within the tolerant level will not result in any price adjustment except for the small percentage added to the conversion rate*); comparing via the computer the values of the multiple interrelated parameters from several market participants (col.3, lines 23-26: *comparing products (including price information) from different countries (market participants) on a global scale*).

Pool does not explicitly teach "live pricing feed" as recited in the claims. However, Szoc suggests that an approved transaction between a merchant and consumer can be fixed with respect to exchange rate changes within certain limits. That is, as long as the exchange rate is within these limits, the transaction is fixed. However, if the exchange rate falls outside this limits, it exposes the operator and/or merchant and consumer to greater risk of loss, thereby necessitating an adjust in price (paragraph 0010); and that financial data is preferably obtained via "live feed" from outside source, such as Reuters Group, PLC of London (paragraph 0075). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to recognize that Pool's real time currency conversion is obtained via a live pricing

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feed that may result in constant change in the conversion rate.

Re claims 65 and 73: Pool teaches wherein linking the multiple interrelated parameters includes linking one or more of: a sales price for a good or service of the e-commerce transaction; a current price for each of the multiple currencies; a cost for an exchange between two of the multiple currencies; a cost of credit to be extended to a buyer of the good or service; a sales risk of the e-commerce transaction; an amount of insurance to cover the sales price; a cost for the amount of insurance; and a shipping or handling cost (Abstract, col. 7, lines 28-42).

Re claims 66 and 74: Pool teaches receiving one or more real-time feeds of changing input values, wherein each real-time feed provides a dynamic input value for calculating at least some of the multiple interrelated parameters (Abstract, col. 7, lines 28-42).

Re claims 67 and 75: Pool teaches wherein receiving the one or more real-time feeds includes receiving a feed of a dynamic input value selected from the list of dynamic input values: a fluctuating exchange factor between two of the multiple currencies; a fluctuating value of the good or service being transacted; a fluctuating spot price of one of the currencies; a renegotiable currency price; a fluctuating tolerance level for one of the parameters; a fluctuating creditworthiness of the buyer; a fluctuating volume discount factor; a fluctuating buyer discount factor; a fluctuating time window for the e-commerce transaction; a fluctuating sales volume history of the good or service; a fluctuating volume of business of the buyer; a fluctuating competing bid; a fluctuating procurement cost of the good or service; a fluctuating risk

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associated with the buyer or seller; a fluctuating payment history; a current type or designation of the good or service; and a fluctuating amount of collateral (Abstract, col. 6, lines 19-22).

Re claims 68 and 76: Pool teaches wherein in response to receiving a change in one of the dynamic input values, re-calculating the multiple interrelated parameters a sufficient number of times to obtain a stable value within a threshold for each of the multiple interrelated parameters (Abstract, col. 7, lines 28-42, Appendix II (cols. 15-16)).

Re claim 69: Pool teaches wherein a sales price parameter partly determines and is partly determined by a risk of transaction parameter; wherein the risk of transaction parameter partly determines and is partly determined by an amount of insurance parameter; wherein the sales price parameter partly determines and is partly determined by the amount of insurance parameter; and wherein the sales price parameter is partly determined by a price of currency parameter (Abstract, col. 7, lines 28-42, Appendix II (cols. 15-16)).

Re claim 71: Pool teaches wherein a spot currency price changes a sales price for a good or service of the e-commerce transaction; a currency exchange cost changes the sales price; a cost of credit changes the sales price; a sales risk of the e-commerce transaction changes the sales price; an amount of insurance to cover the good or service changes the sales price; a shipping or handling cost changes the sales price; and the sales price changes the currency exchange cost, the cost of credit, the sales risk, the amount of insurance, and the shipping and handling cost (Abstract, col. 7, lines 28-42, Appendix II (cols. 15-16)).

Claims 1-4, 63 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Szoc in view of Klingle (USPAP 20010042007) (“Klingle”), and further in view of Boesch et al (US 5897621) (“Boesch”).

Re claims 1, 4, 63 and 70: Pool and Szoc do not explicitly teach determining a cost for credit to be extended to a participant of the e-commerce transaction, wherein the credit is extended based upon one or more of the parameters comprising a volume of business a credit provider conducts with a participant, a type of deliverable and collateral for the credit; calculating a cost for exchange of a first currency to a second currency, wherein the cost of exchange is based upon one or more of the parameters comprising currencies involved in the transaction, an aggregate volume of currency exchanged by the participant and the amount of the associated transaction, and is effective for a predetermined period of time; and calculating an aggregate price to the customer for the good or service wherein the aggregate price comprises an aggregate of the cost of credit, the cost for exchange of currency and the amount of first currency relating to the price of the deliverable; wherein a cost of credit parameter partly determines and is partly determined by a sales price parameter; wherein the cost of credit parameter is partly determined by a creditworthiness parameter; and wherein the sales price parameter is partly determined by the creditworthiness parameter; discounting the cost for exchange of currency according to a volume discount parameter relating to aggregate volume associated with a participant in the transaction.



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Klingte teaches the concept of extending credit at either no cost or at reduced costs, to customers based upon frequency of shopping visits (volume of business). It would have been to one of ordinary skill in the art at the time of the invention to modify Pool to include this feature for the obvious reason of encouraging participants by providing an incentive to conduct business with providers.

Boesch, in the same field of endeavor teaches calculating a cost for exchange of a first currency to a second currency, wherein the cost of exchange is based upon one or more of the parameters comprising currencies involved in the transaction, an aggregate volume of currency exchanged by the participant and the amount of the associated transaction, and is effective for a predetermined period of time; and calculating an aggregate price to the customer for the good or service wherein the aggregate price comprises an aggregate of the cost of credit, the cost for exchange of currency and the amount of first currency relating to the price of the deliverable; wherein a cost of credit parameter partly determines and is partly determined by a sales price parameter; wherein the cost of credit parameter is partly determined by a creditworthiness parameter; and wherein the sales price parameter is partly determined by the creditworthiness parameter (col. 9, lines 11-39); discounting the cost for exchange of currency according to a volume discount parameter relating to aggregate volume associated with a participant in the transaction (col. 8, lines 54-58). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Pool to include these steps as taught by Boesch. One would have been motivated to do so in order to ensure that these parameters are linked to and dependent on other parameter, thereby enhancing the effectiveness and functionality of the system.

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Re claim 2: Pool teaches transmitting via a transmission medium and a communications network, the calculated aggregated price to a network access device with a participant in the transaction wherein the aggregate price is converted to the amount and units of the participant's type of currency (col. 5, lines 58-67).

Re claim 3: Pool teaches transmitting to the network access device a detail of the price, wherein the detail comprises: the cost of credit, based upon the amount of currency involved in the transaction, the period allowed until repayment, the rate of interest, and the volume of business the participant transacts; the cost for exchange of currency; and the amount of first a currency relating to the price of the deliverable good or service (col. 5, lines 58-67, col. 4, lines 16-20).

### ***Response to Arguments***

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLABODE AKINTOLA whose telephone number is (571)272-3629. The examiner can normally be reached on M-F 8:30AM -5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Olabode Akintola/

Examiner, Art Unit 3691

/Hani M. Kazimi/

Primary Examiner, Art Unit 3691